

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)
)
) DOCKET NO. 5:19-CR-00018-FL-1
Plaintiff,)
)
vs.)
)
DEANDRE LAMONT MILES,)
)
Defendant.)

TRANSCRIPT OF PROBABLE CAUSE & DETENTION HEARING
BEFORE MAGISTRATE JUDGE ROBERT T. NUMBERS, II
THURSDAY, DECEMBER 27, 2018; 10:17 AM
RALEIGH, NORTH CAROLINA

FOR THE PLAINTIFF:
Unites States Attorney's Office
By: Nick Miller, AUSA
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, NC 27601

FOR THE DEFENDANT:
Federal Public Defender's Office
By: Rosemary Godwin, Esq.
150 Fayetteville Street
Suite 450
Raleigh, NC 27601

Audio Operator: CLERK'S OFFICE PERSONNEL

eScribers, LLC
7227 N. 16th Street
Suite 207
Phoenix, AZ 85020
973-406-2250
www.escribers.net

Proceedings recorded by electronic sound recording; transcript
produced by transcription service.

1		I N D E X				
2	WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS	VOIR
3	For the Plaintiff:					DIRE
4	Jeffrey White	3	10			
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

Colloquy

1 P R O C E E D I N G S

2 THE COURT: All right. The next matter on the
3 Court's docket is United States of America v. Deandre Lamont
4 Miles, case number 5:18-MJ-2133. We're here today for Mr.
5 Miles' detention and preliminary hearings. It's my practice
6 to conduct both of those hearings together unless there's an
7 objection from counsel. Ms. Godwin, any objection?

8 MS. GODWIN: No, Your Honor.

9 THE COURT: Any objection from the government?

10 MR. MILLER: No, Your Honor.

11 THE COURT: All right. The government bears the
12 burden on the matter of probable cause, so I'll ask the
13 government to proceed first today.

14 MR. MILLER: The United States will call Agent
15 Jeffrey White.

16 PLAINTIFF'S WITNESS, JEFFREY WHITE, SWORN

17 AGENT WHITE: Yes.

18 THE CLERK: Have a seat.

19 DIRECT EXAMINATION

20 BY MR. MILLER:

21 Q. Agent White, if you'll please state your full name for
22 the record?

23 A. My name's Jeffrey White.

24 Q. Okay. And what do you do for a living?

25 A. I'm a special agent with the Department of Homeland

Jeffrey White - Direct

1 Security, Homeland Security Investigations.

2 Q. How long have you been working for HSI?

3 A. I've been working with Homeland Security since before the
4 merger in 2003. Before that, I was employed by the United
5 States Custom Service.

6 Q. And as (indiscernible) of employment, did you come to
7 investigate someone later known to you as Deandre Miles?

8 A. Yes, sir, I did.

9 Q. Do you see that individual in the courtroom today?

10 A. Yes, sir.

11 Q. Would you describe an article of clothing --

12 A. He's the gentleman seated at the defense table.

13 Q. And how did your investigation begin into Deandre Miles?

14 A. I was contacted by the Halifax County Sheriff's Office in
15 November of 2018 regarding an individual that they had been
16 investigating who they believed was bringing large amounts of
17 heroin and opiates into Halifax County and the surrounding
18 counties.

19 Q. Do you know if Halifax County was using informants or had
20 done any control purchases from the defendant?

21 A. Halifax County was using informants to gather some of
22 that information.

23 Q. Do you remember how many informants they were using?

24 A. I don't know exactly how many informants. I am aware
25 that there were at least three.

Jeffrey White - Direct

1 Q. How did you continue the investigation?

2 A. Working in partnership with state and local law
3 enforcement there in Halifax County, we obtained a court order
4 to monitor cellular traffic and cellular data from Mr. Miles'
5 phone and an individual named Moody (ph). Information was
6 gathered by Halifax County that Mr. Miles and Mr. Moody were
7 going to travel to New York City to purchase a amount of
8 heroin and then transport it back to Halifax County. We were
9 unable to intercept that vehicle on its return from New York,
10 but we did later learn from sources that there was indeed
11 controlled substances in that vehicle, and a short time after
12 that, Halifax County got a court order to place a GPS tracker
13 on a vehicle that was known to be utilized by Mr. Miles to
14 transport narcotics, and we monitored and surveilled Mr. Miles
15 and that vehicle for a period of time, culminating in December
16 of this year.

17 December, the tracker began to travel from an area that
18 was known to be frequented by Mr. Miles to a location in
19 Charlotte, North Carolina, that we were not familiar with.
20 The duration and the stops that that vehicle made were
21 suspicious in nature; in that, he stopped in several locations
22 for a short period of time, stopped at an apartment complex
23 for a short period of time, and then immediately left the
24 Charlotte area, traveling eastbound back towards -- back
25 towards his home. We effected a traffic stop in conjunction

Jeffrey White - Direct

1 with the Granville County Sheriff's Office and --

2 Q. Did that traffic stop occur on December 18th?

3 A. Yes, sir, it did.

4 Q. And you said Granville County?

5 A. Yes, sir.

6 Q. Where did the traffic stop actually take place?

7 A. In the vicinity of exit 186 off of Interstate 85 in
8 Granville County.

9 Q. And is that in the Eastern District, North Carolina?

10 A. Yes, sir, it is.

11 Q. And what occurred at the traffic stop?

12 A. The -- my understanding of the traffic stop -- I was not
13 present when the actual stop occurred, but I have reviewed the
14 reports that were presented by the Granville County Sheriff's
15 Office, and I did arrive at the end of the -- end of the
16 traffic stop.

17 But they effected that stop there on -- in the vicinity
18 of the highway. There was a canine sweep of the vehicle with
19 a positive alert for narcotics, and then pursuant to a search,
20 approximately one kilogram of suspected fentanyl was recovered
21 from the vehicle.

22 Q. Were there any other occupants of the car that the
23 defendant was driving?

24 A. Yes, sir. I'm -- based on my investigation, I'm familiar
25 with both Mr. Miles and Mr. Miles' spouse, Jasmine Parker

Jeffrey White - Direct

1 (ph), also known as Jasmine Miles. Both of those individuals
2 were in Mr. Miles' vehicle on the day that that traffic stop
3 occurred.

4 Q. And do you know what type of vehicle Miles was driving on
5 December 18th?

6 A. He was driving a black in color Chevrolet Camaro.

7 Q. Have you become familiar with that vehicle in your
8 investigation into the defendant?

9 A. Yes, sir, I have. And that was the vehicle that the GPS
10 tracker had been installed on.

11 Q. After the Granville County Sheriff's Office recovered the
12 suspected fentanyl in the vehicle, did you arrive?

13 A. Yes, sir. I did.

14 Q. What occurred once you arrived?

15 A. Upon my arrival, Mr. Miles called out to me from the
16 front seat of one of the sheriff's patrol cars and asked to
17 speak with me. I had previously been told by the sheriff's
18 department that Mr. Miles had declined to talk with law
19 enforcement, and after the second or third time he called out
20 to me, I asked one of the deputies to turn on his body camera
21 to record, you know, the interaction I would have with Mr.
22 Miles.

23 I explained to him that since he had already requested
24 not to speak to law enforcement, that that wasn't something
25 that we could do right there. And Mr. Miles insisted that he

Jeffrey White - Direct

1 speak with me. And I told him that right there was not a --
2 was not a good place for us to have an interview, but that we
3 would go to the Granville County Sheriff's Office Annex in
4 Butner and that we could talk there.

5 When we got to Butner, I was joined by a SBI, a North
6 Carolina State Bureau of Investigation Special, agent where we
7 reviewed and we went over Mr. Miles' Miranda rights and
8 explained to him that that conversation had to be instigated
9 by him -- initiated by him -- and that because he had
10 previously said he didn't want to talk to us, he needed to
11 reach out to us. And he indicated that he did want to speak
12 with us and, in fact, did speak with us for three or four
13 hours after that. And this was after being advised of his
14 Miranda rights.

15 Q. With regards to the fentanyl inside the black Camaro on
16 December 18th, did the defendant make any statements?

17 A. He did. Mr. Miles wanted it to be known that the drugs
18 that were recovered from the inside of his car was solely his
19 responsibility, and that his spouse, Ms. Parker -- Ms.
20 Miles -- had nothing to do with it. That seemed to be what
21 Mr. Miles was mostly interested in conveying.

22 Q. What else was discussed in the interview?

23 A. So we asked Mr. Miles where did -- where did these pills
24 come from and how much did he pay for it. Mr. Miles told us
25 that he had been in contact with this organization based out

Jeffrey White - Direct

1 of Charlotte, North Carolina, for a -- for a period of time,
2 and that he had begun contacting them the previous weekend,
3 arranging a meeting in Charlotte. He was to pay \$50,000 for
4 this one kilogram of fentanyl. He gave us the nickname of the
5 person that he purchased the fentanyl from, and he gave us an
6 approximate address where it was. He couldn't remember
7 precisely -- precisely the address, but eventually through
8 Google Earth and kind of a general knowledge of Charlotte, we
9 were able to figure out which apartment it was that -- that he
10 went to. He then told us that he traveled to the outlet malls
11 in Mebane, where they did some shopping, and that they were on
12 their way back to their residence in Granville County.

13 Q. And was that information corroborated with what you knew
14 from the GPS tracker?

15 A. Yes.

16 Q. With regards to the suspected fentanyl, did you observe
17 it that day?

18 A. I did, yes.

19 Q. Did it appear to be consistent with what you know about
20 fentanyl from your training and experience?

21 A. Yes, it is.

22 Q. Do you remember how it was packaged?

23 A. It was packaged in a large Ziploc bag. It was in itself
24 wrapped in a -- like, a plastic shopping bag, and that was
25 contained inside a shoebox that was behind the driver's seat

Jeffrey White - Cross

1 in the Camaro, wedged in between the driver's seat and the
2 back seat.

3 Q. And what about the fentanyl itself -- was it in powder
4 form, pill form?

5 A. It was in pill form.

6 Q. Did you do an approximation as to how many pills were
7 present?

8 A. I did not. We just weighed the bulk amount.

9 Q. And --

10 A. It was many thousands of pills.

11 Q. And it was right around a kilogram?

12 A. 2.24 pounds.

13 MR. MILLER: If I could have a moment, Your Honor.

14 THE COURT: You may.

15 MR. MILLER: No further questions at this point.

16 THE COURT: Cross-examination.

17 MS. GODWIN: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. GODWIN:

20 Q. Good morning.

21 A. Good morning, ma'am.

22 Q. My name's Rosemary Godwin, and I have a few questions for
23 you.

24 A. Yes, ma'am.

25 Q. Agent White, you mentioned that there were at least three

Jeffrey White - Cross

1 confidential informants to your knowledge utilized by the
2 Halifax County Sheriff's Department?

3 A. Yes, ma'am.

4 Q. Are you aware of any controlled purchases of any kind of
5 drugs from Mr. Miles?

6 A. I am not aware of any.

7 Q. And did you prepare the affidavit for the criminal
8 complaint?

9 A. Yes, ma'am, I did.

10 Q. And I noted in that, when I reviewed it, that there was
11 no indication of any controlled buys in this affidavit?

12 A. There -- there are not.

13 Q. You indicated that there had been a court order for cell
14 phone and cellular data?

15 A. Yes, ma'am.

16 Q. And was that real-time data or historical data?

17 A. Both.

18 Q. And you indicated that in the affidavit that you were
19 able to confirm that Moody went to New York?

20 A. Yes, ma'am.

21 Q. But when I reviewed the affidavit there was no indication
22 that you had tracked Mr. Miles himself going to New York; is
23 that correct?

24 A. Outside of the vehicle?

25 Q. Outside of --

Jeffrey White - Cross

1 A. The Camaro.

2 Q. The Camaro -- you had tracked the Camaro going to New
3 York?

4 A. The Camaro was not present at his home, and it also
5 wasn't present at the location in Halifax County where it is
6 known to be, and right after Mr. Moody and Mr. Miles were
7 known to return from New York City, the Camaro was present.

8 Q. I understand; but my question was, you didn't track Mr.
9 Miles himself going to New York? His cell phone. It just
10 mentions Mr. Moody's cell phone.

11 A. That's right.

12 Q. Okay. And at that point you didn't have a GPS tracker on
13 the Camaro?

14 A. That's correct.

15 Q. So you didn't track Mr. Miles himself through any
16 electronic surveillance going to New York?

17 A. Correct.

18 Q. And you indicated that on December the 18th -- well, by
19 December the 18th you had a GPS on Mr. Miles' Camaro?

20 A. Yes, ma'am.

21 Q. And you indicated that you saw some movement, and that it
22 went to Charlotte -- the GPS tracker indicated Mr. Miles'
23 Camaro was going to Charlotte?

24 A. Yes, ma'am.

25 Q. But you were not familiar with any location or any source

Jeffrey White - Cross

1 of supply of Mr. Miles in Charlotte?

2 A. Among the historical information that was provided to me
3 from Halifax County was that Mr. Miles' source of supply may
4 well be in South Carolina, and I knew that -- South Carolina
5 and Charlotte are very close to each other.

6 Q. And you just testified in response to Mr. Miller's
7 questions that you were not familiar with Charlotte as a
8 location or a source for Mr. Miles?

9 A. That's right. Well, it was a place that I did not know
10 him to have gone. We had not observed him, using our
11 surveillance, to have gone to Charlotte before.

12 Q. All right. So you -- based on the pattern of his car
13 activity that day -- you made a decision to conduct an
14 investigatory traffic stop?

15 A. Yes, ma'am.

16 Q. And you contacted Granville County, and I believe that
17 was Deputy Spence (ph)?

18 A. Yes, ma'am.

19 Q. Okay. Now, when Deputy Spence got involved, he made an
20 effort to do a background check on Mr. Miles --

21 A. Yes, ma'am.

22 Q. -- before he pulled the car over. Right?

23 A. Yes, ma'am.

24 Q. Because it would be fair to say at this point in time you
25 didn't have clear probable cause to pull the vehicle over?

Jeffrey White - Cross

1 A. I -- no, I don't agree with that.

2 Q. Well, he's driven his car to Charlotte, which an unusual
3 for him as far as you know, right? I mean --

4 A. He did drive his car to Charlotte.

5 Q. And you didn't have any information that he was going
6 there to pick up any contraband?

7 A. According to the information that we had gotten from the
8 sheriff's office that he uses that car --

9 Q. Um-hum.

10 A. -- travels to make purchases of bulk amounts of
11 controlled substances and transport it back to Halifax or
12 Northampton County for sale.

13 Q. And your information was that he had made trips to New
14 York?

15 A. And that some of his source of supply may well be in
16 South Carolina.

17 Q. So on December the 18th it would be fair to say you did
18 not have information that he was going to Charlotte to pick up
19 any contraband? You just were --

20 A. I -- no, I don't -- I don't agree with that. I think
21 that there is a pattern that we have developed through
22 confidential sources and his previous trips that that vehicle
23 was used to transport narcotics, and that he drove close to a
24 place where he's known to source narcotics from and was on his
25 way back from that. Combining that with brief stops at two

Jeffrey White - Cross

1 gas stations and a brief stop at an apartment complex
2 before -- pardon me -- immediately returning -- that's
3 suspicious activity.

4 Q. In your view?

5 A. Yes, ma'am. In my view.

6 Q. But when Deputy Spence got involved, he didn't just go
7 ahead and initiate a traffic stop, did he? He took some extra
8 steps.

9 A. I --

10 Q. Okay.

11 A. In terms of --

12 Q. Let me -- that's not a good question. I agree with that.
13 Okay. Let me ask it this way. When Deputy Spence got
14 involved, he ran a criminal history check, a background check,
15 on Mr. Miles and determined that in his view there was an
16 active warrant out for Mr. Miles?

17 A. I -- I believe that's correct.

18 Q. And have you seen that warrant?

19 A. I have not seen it. But I understand that it did turn
20 out to be an active warrant from Northampton County.

21 Q. And are you aware that the active warrant for Northampton
22 County was actually for Daniel Miles -- in the name of Daniel
23 Miles?

24 A. No.

25 Q. And that Deputy Spence initiated a traffic stop for Mr.

Jeffrey White - Cross

1 Miles' Camaro based on an active warrant for a Daniel Miles
2 and not a Deandre Miles?

3 A. I don't know that.

4 Q. And it would be reasonable to believe or to suspect that
5 Mr. Miles utilized that Camaro for transportation activities
6 other than drug-related activities as well?

7 A. I don't have any specific information about that, no.

8 Q. So you don't think it's reasonable that he might take
9 that car to go shopping or go to the grocery store --

10 A. I -- I believe he did take that car -- you know, part of
11 the trip was that they stopped at the outlet stores in Mebane;
12 what I'm saying is, I don't have any specific information
13 about what Mr. Miles uses that car for on a -- you know,
14 during his day-to-day routine.

15 Q. Okay. Thank you. Are you aware that Mr. Miles had not
16 been driving that car but a couple of months?

17 A. I believe he purchased it in October.

18 Q. Okay. Thank you.

19 THE COURT: Ms. Godwin, is that all?

20 MS. GODWIN: Oh, that's all. Thank you. I'm sorry.

21 THE COURT: Redirect?

22 MR. MILLER: No, Your Honor.

23 THE COURT: Thank you, sir, you may step down.

24 (Witness excused)

25 MR. MILLER: Your Honor, nothing to show from the

Jeffrey White - Cross

1 government.

2 THE COURT: Thank you. Ms. Godwin, any evidence
3 to --

4 MS. GODWIN: No, Your Honor.

5 THE COURT: All right. Any argument from the
6 government?

7 MR. MILLER: Your Honor, with regards to probable
8 cause, the Court has to determine whether or not an offense
9 occurred and whether or not you believe that this defendant
10 was the person who committed the offense.

11 Based on the testimony of Agent White, we know that
12 the defendant on December 18th went to Charlotte and on his
13 way back to the Northampton or Halifax area was stopped in
14 Granville. Inside that vehicle, officers found approximately
15 a kilogram of what they believed to be fentanyl, of what the
16 defendant himself said was fentanyl -- that he paid \$50,000
17 for -- inside the vehicle. He said it was his, that the other
18 occupant of the vehicle, his wife, was not involved.

19 So based on those facts alone, the government
20 contends that's sufficient with regards to probable cause.

21 With regards to detention, Your Honor, this is a
22 presumption case. If you look at the pre-trial services
23 report, that runs through the defendant's lengthy history; he
24 was currently on probation at the time of this offense for
25 something that occurred in Virginia. The government would

Jeffrey White - Cross

1 contend that he does -- or he is a sufficient danger to the
2 community based on the -- solely on the amount of the drugs
3 that he was bringing back into the Eastern District. And this
4 is a drug that has just been declared the deadliest drug with
5 regards to overdose deaths in the United States. So the
6 government would contend that the defendant should be detained
7 pending trial in this matter. Thank you, Your Honor.

8 THE COURT: Ms. Godwin?

9 MS. GODWIN: Your Honor, I'll address detention
10 first. We're not in a position today to rebut the
11 presumption.

12 THE COURT: Okay.

13 MS. GODWIN: Regarding the probable cause, obviously
14 Mr. Miles' issue may well rest with the stop of the vehicle.

15 THE COURT: All right. I've considered the credible
16 evidence and the credible information presented here today.
17 I'm going to find that there's probable cause for the
18 allegations against the defendant. I note explicitly that --
19 explicitly in Rule 5.1(e) of the Rules of Criminal Procedure,
20 it indicates that at the preliminary hearing the defendant may
21 introduce evidence but may not object to evidence on the
22 grounds it was unlawfully acquired. So the issues regarding
23 the top will have to be taken up at the appropriate time and
24 motion to suppress. I know Ms. Godwin obviously knows that
25 and will make the appropriate decision on how to pursue that.

Jeffrey White - Cross

1 So based on what I've heard here, I think there is probable
2 cause to support the allegations against the defendant. In
3 light of the fact that there is probable cause to believe the
4 defendant has committed an offense under the Controlled
5 Substances Act and he's facing more than ten years -- well,
6 ten years or more in prison, this is a case in which a
7 rebuttable presumption in favor of detention applies. I'm
8 going to find the defendant has not rebutted the presumption
9 and therefore grant the government's motion for detention.
10 Ms. Godwin, anything further?

11 MS. GODWIN: No, Your Honor. Thank you.

12 THE COURT: Anything further from the government?

13 MR. MILLER: No, Your Honor.

14 THE COURT: All right. That concludes proceedings
15 for Mr. Miles. He'll be remanded to the custody of the
16 marshals, and we'll be recessed.

17 THE CLERK: All rise. This Court will be at recess.

18 (Court is adjourned)

19 * * * * *

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF TRANSCRIBER

I, Cynthia Mills, court-approved transcriber, in and for the United States District Court for the Eastern District of North Carolina, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 26th day of April, 2019.

/s/

Cynthia W. Mills

CYNTHIA MILLS

COURT-APPROVED TRANSCRIBER